

VICTIM/WITNESS SERVICES: A REVIEW OF THE MODEL

Prepared by:
Emilio C. Viano, PhD.

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A. CURRENT DEVELOPMENTS IN VICTIM/WITNESS SERVICES

Over the past decade, this nation's search for more effective means to control crime has involved every aspect of the criminal justice system. The role of every performer has been scrutinized. Only recently, however, has attention finally been drawn to an often forgotten although integral part of the proceedings: the victim/witness.

The victim has been the forgotten party in the criminal justice system since the system focuses first on the crime itself and thereafter on the offender (Who is he? Was he arrested? Are the police doing their job? Were the offender's rights protected? Does he have a lawyer? What is happening in the courts?).

Today, the criminal justice system is under more public scrutiny than ever before. How can we speed up trials and improve sentencing, incarceration, prisons, probation, parole training, and rehabilitation? Still, attention and reform efforts often continue to ignore the victim.

The victim stands alone. His or her needs are not the single concern of any agency in the criminal justice system. When attention is directed to victims, it is offender- and offense-oriented. The police come and go seeking as many answers about the crime and offender as a victim can provide. They also collect evidence and the victim's possessions may be taken for evidence and returned months, or even years, later.

The police and prosecutor may ask the victim to make statements, look over mugshots, or attend a line-up. The victim/witness may have to repeat his or her story, confront an attacker, relive the crime, spend days in court, or simply wonder what happened if the case never comes to trial.

All of this asks a great deal of the victim and offers very little. Yet, it is the evidence provided by the victim that makes it possible to identify, apprehend, prosecute and convict the offender. Thus, it is time to start considering the victim/witness as an important public figure with critical responsibilities for the welfare of others.

Recent years have witnessed important developments in the study, research, and intervention activities on behalf of the victim/witness of crime. The study of the victim/witness, which in the fifties and early sixties was still in an embryonic stage, has become a sophisticated endeavor. The National Crime Survey, for instance, represents a major methodological contribution to the study of crime and victimization rates and has generated data of crucial importance to scholars and practitioners alike.

Along with theoretical and research advances, activities on behalf of the victim/witness have also been undertaken in an increasing number. Realizing that justice for the offender is not necessarily

justice for the victim, many communities have begun to address and correct deficiencies in the treatment of the victim/witness with the goals of

1. enhancing the quality of justice by meeting the emotional, financial, and social needs of crime victims and witnesses and
2. increasing the willingness of victims and witnesses to cooperate with police and prosecutors after they have reported a crime.

Some 265 programs now are operational in police and prosecutors' offices; over 300 rape crisis centers and spouse abuse shelters have been founded by different groups, often with grassroots and local support; many community mental health centers have also become cognizant of the special needs of the victim/witness; programs to care for abused and neglected children or for the elderly exist in many communities, though how a particular victim/witness program defines its goals, its clientele, and the specific services which it provides is, of course, influenced by a number of factors including staff, budget, organizational affiliation, philosophical orientation, and the availability of resources. In most projects the two goals mentioned above are closely related. The assumption is that by satisfying the victim's emotional and social needs, one increases the likelihood that the victim will choose to cooperate further with the prosecution. To this end services are generally provided in the following four categories:

- Public education to provide citizens with crime prevention information and to advertise the availability of remedial services.
- Victim counseling intended to address the immediate and longer-term emotional and social service needs of the crime victim and to alleviate some of the immediate burden placed on police.
- Witness services geared to improve victim and witness participation in the criminal justice process by basic information (how the system works, how to find the courthouse, where to park), case information (when to appear, how the case has progressed), witness management services (such as case status calls and standby telephone alerts) and related support including waiting facilities, child care and transportation.
- Financial remuneration including victim compensation, offender restitution, and property return or repair.

In some areas of the country, regional networks have been formed to exchange information and training; fledgling state or nationwide organizations have been recently founded with different perspectives and missions; regional, national, and international meetings and symposia, sponsored by different organizations and by LEAA have been held;

and research efforts, supported by diverse funding sources, particularly by LEAA, continue in earnest.

This wealth of ideas, research, initiatives, and programs certainly shows that victimology and victim/witness services have developed rapidly from their embryonic beginning a few years ago; that they have gained a lot of ground in academic and professional circles; and that they are gradually achieving firm recognition as an integral part of criminal justice studies, policies, and programs. At the same time, however, these services are at a crossroads. As happens after a period of rapid expansion, there is a need to structure the field, to give it a firmer foundation, to channel growth along promising avenues.

Some of the major questions facing the field are: Can we use our experience in the field in a way that not only deals humanely with the victims and witnesses of crime, but also increases the efficiency of the system? By improving the services to victims and witnesses, can we increase their participation to the extent that we can demonstrate a higher rate of successful prosecutions? Can we overcome the narrow confines and mission statement of a program's sponsoring agency and reach out to plan integrative services?

The complex web of interactions between the various agencies involved in the investigation and prosecution of a case is clearly depicted in Tables 1, 2 and 3.¹ The desirability, even the need, for cooperation and coordination of efforts, is becoming more and more apparent in the area of victim/witness services. For instance, the importance of effectively integrating victim/witness programs into the organizational structure of police and prosecutor so that continuity of services can be guaranteed, regardless of changes in administration, finance or political priorities, is being understood more and more by practitioners in the field. The following section will examine the issue of police-prosecutor coordination and cooperation in more detail.

TABLE 1

Types of Problems Units Most Often Encounter
and to Whom They Turn For Help

Type of Problem	Help Sought From
Police lack of attention to victim-witness	x
Missing witness	x
Crisis intervention	x
Cooperation of prosecutors	x
Witness telephone number and current address	x
Subpoenas not being served	x
Witness noncooperation	x
Case priority	x
Return of property	x
Policy on handling a situation	x
Determination of restitution	x
Plea bargaining explanation	x
Court time/continuance	x
Delays in trials	x
Unnecessary witness appearance	x
Failure of police to notify victim of services available	x
Mediation problems	x
Information on trial dates/case status	x
Need for victim-witness counseling, housing, emergency care	x
Police officers' nonappearance	x
Attorney not working with victims	x
Witness fears	x
Coordination with police in non-arrestee situations	x

TABLE 2

External Support Services Expected
in Planning/Beginning New Services

Services Expected	From Whom Expected
Rape/crisis intervention and coordinated rape program	(●Hospitals, family guidance, and woman police officers (●Rape crisis and women's crisis center (●Police Department
Contacts and services for elderly	(●Counsel on Aging (●Commission on Elderly
Designing a public relations program	(●Interns from the local university
Coordination planning	(●Local court planner (●Courts and probation
Extension of present services	(●Judges in juvenile and district courts
New procedure's and comprehensive care	(●Municipal court judges, law enforcement, (state attorney general's office
Social services; Property return	(●Department of Human Resources (●Police Department (●County sheriff (●Prosecuting Attorney (●Courts (●Deputy prosecutors
Restitution	(●Probation departments and judges (●Adult probation and parole
Planning subpoena process-mail and on-call system, etc.	(●Postal service (●Police (●Prosecuting attorney (●Medic (●Deputy district attorney
Transportation	(●Regional transit authority (●Red Cross
Reception area	(●District attorney (●Building Superintendent

TABLE 2 (continued)

External Support Services Expected
in Planning/Beginning New Services

Services Expected	From Whom Expected
Child care	(●Commission on Status of Women (●Department of Human Resources
Improved witness data	(●Police department
Alternatives to prosecution	(●Courts
Printing of brochures	(●Graphics and advertising agencies
Volunteers	(●Senior citizen group (●Law schools (●Volunteer agencies

TABLE 3

Impediments to Units
in the Provision of Services

Should be Doing	Impediments to Doing Them
Easier property return	Problems in obtaining trial attorney's sign off
Witness briefings (more personal contact)	Lack of time
Contacting victims and witnesses before case gets to district attorney	Problems in obtaining cooperation of police
Victim compensation	Absence of legislation
Speedier property return	Judges
Early evidence release (photographing and releasing)	State Supreme Court decision--hampering evidence release prior to sentencing
More work coordinating other agencies working with victims	Time--working with volunteers means a great deal of time in supervision; leaves little for interagency activities
Work with victims whose cases are not necessarily going to be filed at the prosecuting attorney's office	Time, money, and staff
Provision of notification and other services to witnesses in district court	Staff and time shortages
More personal contact	Staff shortage
More involvement with juvenile cases	Juvenile is on another floor so we cannot show film or provide any services
More time spent with victims	Staff shortage
More work on restituting and return of property	Staff shortage
12-month court terms	Courts' summer vacation schedules

TABLE 3 (continued)

Impediments to Units
in the Provision of Services

Should be Doing	Impediments to Doing Them
Provide services in juvenile court	Lack of courthouse space and budget
Provide services in 12 county justice courts	Manpower and budget
Streamlining the number of appearances	Judges/lawyers
More community agency interaction	Competition for funds--lack of understanding
Full notification (all cases)	Automated program is not yet functional (manual processing too time consuming)
Court escort (all courts)	Staff shortage
Hot-line (24 hours)	Staff shortage
Referrals	Time and money for more staff
Immediate contact with victim	We must develop police cooperation and find 24-hour emergency staff
Speedy evidence return	Police and assistant prosecutors are reluctant to release hard physical evidence
Writing operations manual	No one to do the daily priorities of my job
Telephone alert system	Some judges indiscriminately dismiss cases if state's witnesses are not in courtroom after first recess after docket call
Earlier contact between victim and district attorney's office	Staff shortage
Reduction of police overtime	Staff shortage
Better cooperation with police departments	Staff shortage; the fact there are 42 law enforcement agencies within one county

TABLE 3 (continued)

Impediments to Units
in the Provision of Services

Should be Doing	Impediments to Doing Them
Handling subpoenas	Staff shortage
Implementing improved restitution program	Waiting for go-ahead from presiding judge who is restructuring the probation department
Better services at felony court level	Judicial reluctance
Better coordination with children's services	A director with very anti-law enforcement views
Case priority scheduling (court management)	Divergent interest, disorganized district court
Disposition letter	Concern for adverse reactions to dispositions short of prison sentences
Subpoena by mail	Legal restrictions
Long-term counseling	Staff shortage
Juvenile court cases	Staff shortage
Placing a larger number of witnesses on alert stand-by	Cooperation of some attorneys
Inputting witness names in computer for increased usage of terminal	Budget, computer space and program
Sending out brochure/pamphlet in notification letters	Have not chosen agency to do the graphics and printing yet
Reception room	No available space
Rape-crisis intervention	Needs more cooperation with hospitals and doctors
Working with district court witnesses	No time
Notify witnesses earlier than we do	Can't get the information

TABLE 3 (continued)

Impediments to Units
in the Provision of Services

Should be Doing	Impediments to Doing Them
Identifying <u>all</u> victims coming into the prosecutors office	We are not yet a crucial integral element of the prosecuting attorney's office
Providing more aid (transportation, day care, housing, etc.)	Staff shortage
More in-depth contact with victims and witnesses on major cases	Some resistance on part of the prosecutors; staff shortage
Before and after notification	Staff shortage
Contacting victims where there are no arrests	Staff shortage
Set up more comprehensive volunteer program	Lack of time of coordinator
Design brochure for victim-witnesses	Lack of time
Interviewing witnesses at the outset of case initiation	Staff, time, and funds
Actively pursuing property return for cases discharged	Availability of complete data, staff time

B. POLICE-PROSECUTOR RELATIONSHIPS

The need for closer cooperation between police and prosecutors was identified in 1967 by the President's Commission on Law Enforcement and the Administration of Justice. Since then, the need to improve the linkage between the police and prosecutor has been emphasized in other nationwide studies. The American Bar Association, in its report on the Urban Police Function,² noted that:

Few police departments today maintain effective liaison with other agencies in the criminal justice system or with municipal agencies that deal with problems directly affecting the police.³ The adverse results from this lack of communication may be numerous. For example, prosecutors may regularly dismiss specific types of cases on the basis that certain investigative techniques commonly being utilized are invalid without informing a police administrator of this systematic action.

In the same vein, trial courts may consistently sustain motions to suppress evidence because of common police practices they consider to be improper, but judges will rarely report this information directly back to a police administrator or attempt to ascertain the police policy on the matter.

In addition, staff members in a mayor's office who are responsible for preparing legislative programs may develop comprehensive proposals on crime control or on new programs which directly affect the police (e.g., new approaches for dealing with alcoholism) without ever soliciting the views of the police department on proposed legislation.

In other words, failures in communications between a police administrator and other criminal justice agencies or among municipal departments can result in a police department's never being informed on significant issues relating to police practices, on the quality of police investigations (e.g., by assessing the ratio of convictions to arrests), on differences in policy between the prosecutor's office and the department, or on misconceptions by the court about departmental positions on a range of issues. Some agencies fail to adequately inform themselves about police policies (e.g., the failure of a prosecutor to obtain insights on the rationale for a police practice in preparation for an appellate argument may result in a badly-reasoned judicial opinion) or ignore police needs (e.g., inaccessibility of magistrates for review of warrants.)

Change has occurred slowly since the ABA issued its report. In general, police agencies still maintain at best an informal and un-coordinated relationship with the prosecutor. Over the years, the most common form of relationship has been the personal relationship between

the police chief and the prosecutor. The importance of a close relationship should not be dismissed. Trust is an important part of any formal police/prosecutor relationship. However, a more systematic, formalized, and institutionalized relationship is necessary if criminal investigations are to be managed most effectively. The ultimate goal of the relationship should be to improve the quality of case investigation and preparation in order to lead to a greater number of prosecutable cases.

While some police agencies have maintained informal liaison with prosecutors for years, these relationships have not generally helped to increase the effectiveness of the investigative process or of the prosecutor's work. It is somewhat surprising that a sound, formal working relationship has not been universally adopted since:

- The prosecutor's caseload depends on police arrest policies and practices, and
- The police department's arrest performance and effectiveness substantially depend on the prosecutor's screening policy and prosecutorial priorities.

Benefits of an Improved Relationship

A comprehensive improvement in their relationship holds many potential benefits for both the police and prosecutor. For example, a formal system for obtaining feedback can help a police manager spot trouble within the organization on the matter of investigative performance and evaluate the relative effectiveness of units and individuals. It can also help the police manager identify training needs, evaluate managerial effectiveness, and identify areas where corruption may exist. Importantly, a good relationship will help officers and investigators improve their case preparation and feel that they are truly working in partnership with the prosecutor. Similarly, police feedback to the prosecutor can provide important suggestions concerning operating policies, procedures, and practices, as well as prosecutor's performance.

Most of the elements of new approaches to improving victim/witness services are concerned with internal police agency operations. In any effort to improve them, however, consideration must be given to the element of a two-way police/prosecutor relationship since this relationship provides the necessary external linkage between the police and the next stage of the criminal justice process--prosecution. The inputs generated by a meaningful police/prosecutor relationship will facilitate the assessment of internal police policies and procedures which affect the initial investigation, case screening, follow-up, case management, monitoring, and reorganization.

I. Feedback and Case Disposition Analysis Systems

A. Information Feedback to the Police

Important questions to ask in the development of a case disposition feedback system are: "What does a chief or manager need to

known in order to improve the investigative effort?" The police administrator at least needs to know:

- The disposition of cases,
- Why a case was rejected for prosecution, or
- Why a case submitted by the prosecutor resulted in a dismissal.

The American Bar Association, like the National Advisory Commission on Criminal Justice Standards and Goals, has underscored the importance of a case disposition feedback system. The development of such a system is a needed and appropriate project which will encourage the police and prosecutor to work together toward improving the outcome of the judicial process. The police, like any other witnesses, are often frustrated by lack of information on case disposition and will react positively to any effort undertaken by the prosecution to furnish them that information.

The need to establish such a system was addressed in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals. The Commission recommended these actions:

Every police agency immediately should develop policies and procedures to follow-up on the disposition of criminal cases initiated by the agency. This should be done in cooperation with local courts and prosecuting agencies.

1. Every police agency, in cooperation with local courts and prosecuting agencies, should provide for the administrative follow-up of selected criminal cases. Policies and procedures should be developed

a. To identify criminal cases which because of extenuating circumstances or the defendants' criminal histories, require special attention by the prosecuting agency; and

b. To require a police representative to personally attend all open judicial proceedings related to these cases and to maintain close personal liaison with assigned prosecutors.

2. Every police agency should review administratively all major criminal cases in which prosecuting agencies decline to prosecute or later cause to be dismissed. That review:

a. Should result in a referral of each such case to the concerned officer's commanding officer for administrative action to correct any police deficiencies which may have weakened the case; or

b. Should result in a referral of each case to the prosecuting agency for that agency's action to correct any deficiencies for which it may have been responsible.

3. Every police agency should encourage courts and prosecuting agencies routinely to evaluate investigations, case preparation, and the courtroom demeanor and testimony of police officers and to inform the police agency of those evaluations.⁴

It is significant that the commission suggested thorough review and evaluation of pertinent information in order to effectively manage the outcome, which affects both the police and the victim/witness.

B. Information Feedback to the Victim/Witness

Many investigators, as well as top-ranking police officials, have defended the investigative function, not only because it contributes significantly to the identification of perpetrators, but also because it is one of the principal contacts the police maintain with the victims of serious crimes.

If the public's confidence in their local police department is to be strengthened, it seems reasonable that when the perpetrator has been identified, the victim should be notified. The Rand Corporation conducted a limited telephone survey (36 interviews) of recent robbery and burglary victims concerning information feedback. The questions of how much information to convey to victims, and when to convey it, were addressed.

Data from that survey suggested that victims desired very strongly to learn officially whether or not the police had "solved" their case, when a suspect on their case had been arrested, and what progress had been made toward conviction of the defendant. Victims were divided as to their wish to be informed when the person believed responsible for their victimization was released from custody. The survey also suggested that the greater the involvement of a victim in the prosecution of the suspect in his case, the greater his desire to be informed about events in the later stages of the proceedings. The majority of victims surveyed also preferred to be informed when the police decided to suspend investigation in their case. Even though a sizable minority of victims said they would react unfavorably to this news, few victims would act to express their grievances in official complaints.

To the extent that these survey results may reach beyond the confines of that small and special sample, they broadly underscored a belief that there exists a strong market for information feedback to victims from the police.⁵

II. Improving the Quality of Investigations

A. Identifying the Prosecutor's Needs for Information

The police investigator must carefully gather all the available evidence, evaluate the facts at his/her disposal, make arrests where warranted, and present the evidence upon which the charge is justified. Through the experience gained in court, the prosecutor is in the best position to identify the elements of information that are needed to present and substantiate the charges in court.

The Rand Institute, in its study of the effectiveness of criminal investigations, developed a data form on the basis of discussions with prosecutors, detectives, and police supervisors. The form contained informational elements judged to be needed to effectively prosecute robbery cases. Rand also has indicated that the form can be modified to apply to other crimes. It also has potential utility for investigator training, as a checklist in conducting an investigation, as a performance measure for investigator supervisors, and as an aid to the prosecutor's office in making decisions on complaint filing.⁶

An analysis of the Rand data indicated that the bulk of the information that the prosecutor needs can effectively be gathered during the initial investigation. Jointly developed forms which also serve as investigational guidelines may thus be seen as time- and cost-effective, and can play a large part in increasing the ratio between cases accepted for prosecution and cases presented for judicial consideration. They will also significantly curtail the number of times the victim/witness must state and restate the details of the case or undergo questioning.

B. Identifying Mutual Priorities of Police and Prosecutors

Major developmental effort should be devoted to setting forth joint investigatory and prosecutorial priorities. Since all offenses committed cannot be investigated by police, there is a need for each law enforcement agency to establish priorities of enforcement which are reflective of the best interests of the community. If managers fail to set enforcement priorities, the determination will be made by each officer at the street level. Therefore, the police executive should establish priorities to guide his agency in day-to-day general operations. Ideally, those priorities will represent the thinking of the prosecutor as well as the police executive.

Enforcement priorities are set to address major concerns of the community. Emphasis may also be placed on those crimes which generate other crimes. A clear understanding of, and agreement with, the enforcement priorities will help the prosecutor's office gear-up for more

effective prosecution of these crimes. Mutual priorities are clearly preferred in order to increase the combined impact of the police/prosecutor relationship. But at least an understanding of the priorities of both prosecutors and police should be seen as a necessity. A prosecutor's commitment to the priority of prosecution of rapists, and the knowledge of that priority by police officers, will affect the style of their investigation and the speed at which an arrested suspect will be presented for charging.

Mutual priorities should be seen as preferable because of the progress that can be made by both police and prosecutors toward achieving their goals. Interactive goal orientation will tend to bind the two elements into a more professional, cohesive, and unified organization in the interests of justice in the community. Agreeing on and clearly stating mutual priorities also will aid in the development of more effective approaches to dealing with crime. The Bronx Major Offense Bureau Project is a good example of an interactive model that can lead to effective handling of high-priority offenses.

Another interactive model is the operation of prosecutors and police investigators who work together as a unit to apply great pressure on specific crime operations in order to increase the total impact of the criminal justice system on relieving the problem. Pioneer efforts in that vein have chiefly been in the area of organized crime task forces in which local, state, and federal forces are joined interactively over relatively long periods of time to achieve their objectives.

C. Role Definition: The Changing Scene

The fact finding process we have always called "investigation" is for a larger purpose than simply satisfying the investigator that he has solved the crime. "Evidence acquisition" is a much more accurate way to stress the policeman's duty to gather and report all the meticulous details which will be needed to produce a conviction.

The prosecutor is the policeman's lawyer; his service is valuable in three aspects of a case from the very outset:

- a. Identifying what is needed to establish proof.
- b. Reminding the officer of exclusionary rules to avoid.
- c. Pointing out civil liabilities.

As a case is developed, the prosecutor and policeman must work together in perfecting the evidence and conferring in plea negotiations. At trial, the investigator's role as the advisory witness at counsel-table is satisfying to him and precious to the lawyer. Whatever the outcome, they share the consequences.

Beyond the reforms which have been suggested for the separate attention of prosecutors and police, there are some mutual measurements they can share. Each can make available teachers for the other's training programs, designate liaison people for full-time communications, praise the other publicly wherever deserved, publish joint bulletins, support the same legislation, etc.

III. Steps in a Model System for Developing an Effective Police/Prosecutor Liaison

1. Commitment -- The first and most important element in developing an effective liaison between police and prosecutor is the commitment to do so by the chief executives of the agencies. If the commitment does not already exist, in many cases it will emerge as the executives become aware of the obvious benefits that can be gained by both as a result of the liaison.

2. The Initial Approach -- To begin to develop an effective police/prosecutor liaison, someone has to take the first step. An initial contact needs to be made on an executive-to-executive level to set up a planning meeting. The person who initiates the contact should provide a general outline about where the project should be headed, how the destination should be reached, and the benefits that can be derived from the effort. Both executives will develop enthusiasm and provide an energetic start to the liaison's development. A follow-up meeting should be set for two to five days later, when ideas and methods of developing a solid foundation should begin to emerge.

3. Monthly Executive-to-Executive Meetings -- A firm schedule for executive meetings should be established. Although the executives should be encouraged to bring a limited number (one or two) of staff personnel with them to the meetings, sending delegates to serve in place of the executive should be strongly discouraged. The meetings should be businesslike in manner, and a frank and open discussion of issues should be encouraged. The development of mutual, verbalized goals and objectives should be an initial task in the meetings, and the results should be communicated throughout both agencies. These executive meetings, if used properly, should become an effective vehicle for constructive change for both organizations.

4. Commitment to a Systems Approach -- Only if both the police and the prosecutor view themselves as interlocking parts of the same system can any improvement in their relationship be expected. Lasting positive interaction can only be achieved if a systems approach to change is used and all the impacting and balancing considerations are built into the system to make it flexible over time. "One-shot" changes die from neglect. As its name implies, a systems approach takes into consideration all aspects of a system. For example, a feedback system on case dispositions will serve no useful purpose if the information is routed back to a records clerk who simply files it away. Feedback should be routed to the investigator, the investigation

supervisor, and top management and trainers. These persons should keep records of the feedback and periodically summarize it for the chief, making observations and recommendations as appropriate. As with all paperwork, the utility of feedback forms and the system should be reviewed yearly by a management team to update, modify, or make deletions as necessary.

5. Investigative Information Needs -- To achieve the goal of successfully prosecuting a higher percentage of the cases presented for consideration, it is essential to provide all the information the prosecutor's office needs to properly evaluate the prospects of presenting each case to the court. When a determination of all the prosecutor's information needs has been accomplished, the police investigator should concern himself with determining his own investigative information needs.

6. Management Information Needs -- Proper management cannot take place without knowledge of the operations of the unit to be managed. On the other hand, a surplus of information is always a possibility, particularly when a computer is used. Management information must be precise and concise, consisting of only those facts that can be used to make decisions. Information overload has taken its toll on executives who have found their systems managing them rather than vice versa. A clear delineation of information needs must be developed and formalized in written form.

7. Joint Utilization Forms -- From the previous step the informational needs can be transcribed as entries onto experimental forms to see if the forms satisfy the informational needs of everyone concerned. The prosecutor's needs can be incorporated into an investigation form and booking form. The data for police managers can be provided on a case screening form that is completed at the time of screening in the presence of the investigator. Such a form could conceivably be used to notify officers, victims, and witnesses of the case disposition. There may even be a need for a plea negotiation sign-off form.

8. Setting Prosecutorial Priorities -- The two chief executives will both profit by discussing their priorities for prosecution. If street crime is the police executive's worst headache, he and the prosecutor may agree to set street crime as top priority. In this case, the prosecutor would agree to invest top personnel in the prosecution of all street crimes which were properly prepared, and vice versa.

9. Special Needs/Remedies -- A good rapport between the police and the prosecutor has been instrumental in setting up several potentially effective types of units. For instance, the Bronx Major Crime Unit has been quite effective over the years in providing swift and efficient justice. Joint investigator/prosecutor investigation teams have been established, and have proven to be useful in many areas, particularly with respect to broad-spectrum crimes such as narcotics operations, organized crime, sex crimes, and vice.

Another method of improving relations is the practice of assistant district attorneys to be on call for after-hours resource to agencies.

In conclusion, many police agencies throughout the nation have improved upon their investigative outcomes, measured in terms of an increased ratio of prosecutions to number of the arrests made for serious crimes, by developing a working relationship with the prosecutor which, as a beginning point, promotes the following interrelationships:

- A formal feedback system on case dispositions to keep police management informed re: investigative activities.
- A formal police/prosecutor liaison unit or person who develops a fuller exchange process between the two elements of the criminal justice process.
- A greater degree of involvement on the part of the prosecutor in the development of adequate standards of case investigation and preparation.

The benefits to be derived from a well developed formal relationship with the prosecutor's office are substantial and worth the development effort required by the police agency and vice versa.⁷

C. DESIGNING A VICTIM/WITNESS PROGRAM

I. Problem Statement

a. Needs Assessment:

1. National research findings
2. Local surveys of victimization
3. URC crime rate comparisons
4. Witness no-show rates
5. Public ambivalence toward the courts and prosecutors (Perhaps if one is a defendant, we have a good system. But if one is a victim, we may have a terrible system.)
6. Anecdotal records of victim problems in the jurisdiction recently

Purpose: Develop data showing that the national findings are relevant to the local area. Show that many problems encountered by victims are not only a high priority for the particular agency involved but affect each succeeding agency in a compounding fashion.

b. Humanitarian Considerations:

1. Review the impact of victimization on the victims
2. Show the basic imbalance created by providing a panoply of defendant/offender services and few or no services for victims
3. Show how the present system "victimizes" victims, and discourages them from involvement and participation.

Purpose: Raise and discuss these issues in moral and ethical terms related to pragmatic considerations, like cooperation with the system, making a successful investigation/prosecution possible.

c. Efficiency and Fiscal Considerations:

1. Cost and benefits of victim services
2. Victim/defendant services cost ratio
3. Predictable system impact of victim services (e.g. Rates of arrests, prosecutions, convictions)
4. Demonstrable savings and improvements made possible by victim/witness services.

Purpose: Discuss the degree to which costs can be identified and benefits determined in providing victims services. Determine the rates of defendant dollars and victim dollars currently being spent. Stress the benefits to be derived by the community and by the system.

II. Goals

- a. To increase the quality of justice by satisfying the emotional and social needs of crime victims and witnesses.
- b. To enhance the willingness of victims and witnesses to cooperate with police and prosecutors after they have reported a crime.

- c. To improve the time and costs associated with the police and prosecutors handling of cases.
- d. To increase the rate of successful investigations and prosecutions.

III. Objectives

- A. To have on-site crisis intervention services on a 24-hour basis. The crisis workers should have the resources and skills to provide at least the following:
 - 1. On-site and short-term follow-up counseling
 - 2. Immediate and short-term transportation
 - 3. Emergency housing
 - 4. Short-term provision of money and/or food
 - 5. Protection from retaliation on both a short- and long-term basis.
- B. To have a mental health, medical, social service, and manpower referral capability. The program should be able to refer crime victims and witnesses needing long-term services to the entire panoply of services available with some priority given to severely traumatized victims.
- C. To provide criminal justice related services to victims and potential victims such as:
 - 1. Security surveys
 - 2. Crime scene clean-up and repair services to poor, elderly, and other victims who do not have those resources available to them.
 - 3. Court-related information about and access to on-going cases in the following areas:
 - a. Contact with detectives investigating reported crimes
 - b. Input to prosecutorial charging decisions
 - c. Bail/Bond and ROR decisions
 - d. Feedback concerning plea agreements
 - e. Input to sentencing judges
 - f. Detailed disposition information about how and why the case was disposed of.
 - 4. Court and prosecution related services, such as:
 - a. Transportation to and from interviews, as needed
 - b. Information and notification for subpoenaed persons concerning trials, continuances, baby sitting, etc.
 - c. Companionship and reinforcement to maintain emotionally healthy responses during stressful situations such as trials

- d. Continued or newly initiated protection from retaliation for witnesses in jeopardy
- D. To train law enforcement, prosecutors, and other criminal professionals in crisis identification, management, and emotional support techniques to improve their ability to deal with victims.
- E. To foster cooperation and coordination between relevant criminal justice agencies (e.g. police, prosecution, probation) that will result in systemic changes and improvements (e.g., see Section II, Police-Prosecutor Relationships).
- F. To develop research and systems analysis capability during the program's first three years to perform the following functions:
 - 1. Surveys to identify attitude changes
 - 2. Identification and verification of specific victim problems
 - 3. Impact and cost benefits of specific program activities
 - 4. Systems analysis to identify intervention points where maximum results can be achieved by minimum effort
 - 5. Preparation of specific reports, proposals, and analysis for distribution within the criminal justice system and/or to the public
- G. To provide public education services by sponsoring workshops, seminars, media coverage, pamphlet preparation and distribution, and other activities on an impromptu basis.

IV. Organization Framework

A. Program Focus

- 1. Law Enforcement - advantages and disadvantages of placing a victim/witness program within a law enforcement agency.
 - a. Advantages
 - (1) Ease of access to victims
 - (2) Immediacy of contact and research showing importance of first contact
 - (3) Already operating on a 24-hour basis.
 - b. Disadvantages
 - (1) Limited geographical or overlapping jurisdictions
 - (2) Traditional "non-social worker" emphasis
 - (3) Lack of access to court processes

2. Prosecution - advantages and disadvantages of placing a victim/witness program within the court structure (court administration office or probation).

a. Advantages

- (1) Area-wide jurisdiction
- (2) Access to individuals, prosecutors, and constant updating of case information
- (3) Ability to impact social service system

b. Disadvantages

- (1) Becoming involved with the tactics and strategy of prosecution
- (2) Confidentiality and disclosure conflicts
- (3) Distance from the victims and lack of immediacy
- (4) Not ordinarily used as a 24-hour operation (except on an emergency basis).

3. Court - advantages and disadvantages of placing a victim/witness program within the court structure (court administration office or probation).

a. Advantages

- (1) Able to impact on court process
- (2) Areawide jurisdiction
- (3) Able to impact on social service system

b. Disadvantages

- (1) Late stage of criminal justice process
- (2) Extreme difficulty dealing with victims when no charges have been filed
- (3) Court's need to maintain an evenhandedness may sometimes work against victims
- (4) Probation affiliated victim/witness programs may become too focused on restitution designed mostly for the offender's benefit.

4. Non-criminal justice governmental agency (county or city manager's office, mental health agency, welfare department, etc.). The advantages and disadvantages of placing a victim/witness program in a non-criminal justice government agency:

a. Advantages

- (1) Not involved in the criminal justice process

- (2) Depending on placement, may have political clout.
- (3) May be able to involve a wider network of help-related organizations.

b. Disadvantages

- (1) Difficult access to police, court, prosecutor records
- (2) Lack of clout in decisions affecting victims
- (3) Trying to produce change or make criticisms from outside
- (4) Distance from and difficult access to victims on an immediate basis

5. Inter-governmental--Inter-agency criminal justice agency. The advantages and disadvantages of creating a victim/witness agency within the criminal justice system (i.e., independent, with governing board of department heads and middle managers):

a. Advantages

- (1) Being within the system
- (2) Not being affiliated with any particular perspective
- (3) Multiple funding more easily available
- (4) Ease of educating and changing attitudes of criminal justice system professionals (because they are making policy decisions).
- (5) Credibility.

b. Disadvantages

- (1) Traditional criminal justice agency fragmentation and suspicion of each other
- (2) Elected official reluctance to participate in inter-governmental ventures
- (3) If locally funded, budget battles with more than one funding source taking up administrative time
- (4) Possible personality conflicts disrupting service delivery.

B. Operating a Service Delivery System

1. Crisis Intervention Issues

- a. Defining a crisis
- b. Setting up a referral process
- c. Maintaining 24-hour coverage
- d. Monitoring and evaluating who, what, where, how much, and with what success services are being delivered.

2. Social Service, Assistance, and Referral Issues

- a. Identifying available resource agencies
- b. Follow-up of referrals
 - (1) With clients
 - (2) With agencies referred to
 - (3) With criminal justice agency generating case involved.
- c. Constant relearning of agency services, addresses, staff, etc.

3. Court-related Information and Subpoena Alert System Issues

- a. Identifying sources for court information
- b. Continuously routing information on cases to the victim/witness program
- c. Monitoring and evaluating quality, quantity, and completeness of information received.
- d. Setting up dispersal system for court information to:
 - (1) Victims
 - (2) Police officers originally involved in case
 - (3) Non-victim witnesses
 - (4) General public
- e. Monitoring and evaluating information dispersal pattern, recipient understanding and approval of information, and changes in attitudes attributable to information flow.

4. Victim Restitution Issues

- a. Determining all possible ways victim can receive restitution
- b. Setting up procedures for victim input to:
 - (1) Juvenile court
 - (2) Diversion programs (if present)
 - (3) Court sentencing
 - (4) State restitution programs (if present)
- c. Monitoring and Evaluation Issues
 - (1) Quality and quantity of victim input
 - (2) Victim satisfaction and attitudes about input
 - (3) Agency or judge satisfaction with attitudes concerning victim input.

5. Crime Prevention Measures and Techniques

- a. Determine crime prevention techniques and measures currently in place and who is offering services
- b. Set up procedures for delivery of crime prevention techniques and measures
- c. Train volunteers and staff in techniques and measures
- d. Implement plan
- e. Monitor and evaluate service delivery.

6. Property Identification and Return

- a. Determine which law enforcement agencies have the property and how it can be returned
- b. Set up procedure for property return
- c. Monitor and evaluate

7. Witness Advocacy and 24-Hour Protection from Retaliation

- a. Determine most relevant local witness problems (survey of subpoenaed persons)
- b. Consult with law enforcement and prosecution officials about special situations
- c. Provide 24-hour protection in conjunction with law enforcement when necessary
- d. Monitor and evaluate service delivery in both witnesses and agency personnel.

V. Professional Staff and Volunteers

A. Qualifications and Positions of Key Staff

1. Director - Ability to deal with department heads, elected officials, federal bureaucrats, etc.; previous criminal justice experience.
2. Program Coordinator - Day-to-day management of activities; sensitive to staff overexertion and fatigue; open to crisis management; and broad knowledge of criminal justice system.
3. Crisis Intervention Specialists - Criminal justice experience preferred but not a prerequisite; mental health experience not necessary but desirable; graduate education in behavioral science area; prior volunteer experience required.
4. Witness Advocate - Legal or criminal justice training desirable; tolerance for paper work very high; good facilitator and trained in counseling and interview techniques.
5. Information Dispersal Clerk - Paraprofessional legal training; good at handling volunteers; very high paper work and detail tolerance.

6. Research Analyst - Prior criminal justice experience required; graduate education with research and statistics background required; ability to improvise when necessary; good writing and verbal skills.

7. Clerical Staff.

Note: Each of the above job positions could require more than one person. Staff number could vary from six up to any larger number. Judgments about the expected workload and staffing needs could be based on many criteria. One model has a director in every program, a program coordinator in every program with 6 to 10 employees, and one additional administrator in each of the following areas when more than three persons perform essentially the same function: crisis intervention, witness information and notification and research.

A reasonable staff level for a metropolitan area of 500,000 persons is 6 to 10 employees.

B. Recruitment and Training of Volunteers

1. Recruitment Sources

- a. Volunteer bureau or other similar organization
- b. College and university psychology, counseling and criminal justice students
- c. Senior citizen groups
- d. Service clubs
- e. Volunteers already available, contacted using word of mouth
- f. Media campaign.

2. Screening Procedures

a. Office Work Volunteers

- (1) Brief explanation of program
- (2) Police records check (if they are to have access to criminal history record information--may involve finger-printing in some jurisdictions)
- (3) Mandatory attendance at four to six hours of training (i.e., those failing to appear are dropped)
- (4) Mandatory attendance at 75 percent of monthly volunteer meetings.

b. Crisis Intervention Volunteers

- (1) Brief explanation of program
- (2) Mandatory attendance at 25 to 30 hours of training
- (3) Mandatory attendance at 75 percent of monthly volunteer meetings
- (4) Post-training assessment interview with crisis intervention specialists on staff
- (5) First assignments with older volunteers
- (6) Police records check, with finger-printing for positive I.D.

c. Research Volunteers

- (1) Explanation of program
- (2) Police record check including finger-printing
- (3) On-the-job training in ongoing evaluations
- (4) A special project selection with research analyst
- (5) Co-author credit on worthwhile program generated studies.

C. Volunteer Training

1. Part I - Criminal Justice Orientation on:

- a. Local agencies
- b. State and local procedures
- c. Flow chart of charging and case flow within the criminal justice system, stressing the linkages and mutual dependency of the various components of the system.

2. Part II - Crisis Intervention Orientation includes:

- a. Role play
- b. Modeling of crisis occurrence
- c. Problem-solving techniques
- d. Theory and practice of crisis intervention

3. Part III - Special problems, such as:

- a. Death notifications
- b. Attempted suicides
- c. Family fights

VI. Budgeting a Victim/Witness Program

A. New Sources of Monies:

1. Grants

- a. LEAA, Part C, block grants already allocated to states
- b. LEAA discretionary grants
- c. NIMH, DOL, CETA, HUD
- d. Revenue sharing money allocated to local governments
- e. Private foundation grants

2. State Legislature

- a. Victim compensation
- b. Victim services delivery

B. Reallocating Present Funds

- 1. Police funds, community service, crime prevention or social service referral funds could be redirected.
- 2. Prosecution funds--subpoena service and witness notification funds, counseling and witness protection funds could be redirected.
- 3. Court funds--information desks and personnel, day care center facilities, witness lounge staff, probation personnel coordinating restitution funds could be redirected.

Note: One to two percent of all funds expended on local criminal justice agencies in most jurisdictions could adequately staff a victim/witness program. However, this involves multi-jurisdictional, cross-agency totaling of funds.

C. Reallocation of Staff Possible for a Victim/Witness Program

1. Police staff

- a. Community service
- b. Crime prevention
- c. Some detectives assigned to body guard duty for special witness protection

2. Prosecution staff

- a. Witness notification and subpoena personnel
- b. Service personnel
- c. Information clerks
- d. Any social service personnel
- e. Any witness protection personnel

D. Facilities and Equipment

1. Other equipment
2. Automobiles to cover both crisis intervention and witness advocacy activities
3. Communication equipment--pgers or two-way radio equipment for crisis intervenors (they should be able to communicate with field police staff)
4. Information retrieval equipment (where a computer information system exists, provide a terminal and printer; where manual system exists, rolodex or other easy access files)
5. Research equipment--programmable calculators and/or access to electronic data processing and computers analysis programs like the Statistical Package for Social Sciences--greatly facilitate the handling of large data bases. At least three to five hours of computer time is needed each month while the program is in its experimental stages.
6. Cash on Hand--sufficient funds to cover witnesses' protection, emergency housing, and/or food, etc., are needed.

VII. Monitoring and Evaluation Measures

A. Major Benefits to Be Derived

A well-functioning Victim/Witness Program:

- Improves citizen attitude toward the criminal justice system
- Saves witness waiting time and unnecessary trips to court hearings
- Crime witnesses are more informed and should make better state's witnesses
- Offers more personalized handling of victim/witnesses, which enhances their cooperation with the criminal justice system
- There is more effective and efficient case processing through the criminal justice system with measurable cost benefits and speedy processing of cases to be derived
- Reduces criminal justice staff time
- Redirects professional staff time to better and higher-level tasks
- Improves chances for successful investigations and prosecutions

- Provides more modern and convenient public facilities for crime victims and witnesses
- Encourages more crime reporting
- Contributes to a lower crime rate
- Assists crime victims and witnesses to recover from the crime incident to meet personal and family emergencies caused by it, and to combine as productive members of society.

B. Impact and Operations Research

1. New services
2. Cost-benefit data
3. Changes in services patterns
4. Changes in attitudes by victims, criminal justice agency personnel, public.

C. Long-Term and Theoretical Research

1. Can victim/witness services increase victims' willingness to cooperate?
2. Do victim/witness programs overly benefit the prosecution and hurt defendants?
3. What would a victim oriented criminal justice system be like?
4. What are the long-term effects of offering defendant and victim services as opposed to continuing the present system?

a. Direct

- (1) Tangible cost and benefits
- (2) Intangible costs and benefits

b. Indirect

- (1) Tangible costs and benefits
- (2) Intangible costs and benefits

D. VICTIM/WITNESS SERVICE PLANNING STEPS

I. Problem Statement

What is the problem you are trying to solve?

II. Goals and Objectives

What is your goal? your objective?

III. Proposed Action

What action should be taken to solve the problem and meet goals and objectives?

IV. Sponsor Identification

Who is suggesting this action? Why?

V. Work Program

- a. Organizational Framework
- b. Personnel
- c. Coordination and Cooperation
- d. Management
- e. Beneficiaries
- f. Outcomes

VI. Resources

- a. Cost
- b. Resources Inventory

VII. Timetable

VIII. Impact

IX. Cost Benefit Analysis

X. Monitoring, Evaluation, Accountability

XI. Further Steps to Improve and Expand Services

VICTIM/WITNESS SERVICE PLAN OUTLINE

Problem Statement (I)*

What is the problem you are seeking to solve? Why should it be solved? What documentation on the extent and seriousness of the problem (needs assessment, surveys, literature review, research findings, statutory mandates, etc.) do you have or can you develop?

Roman numerals in this outline refer to corresponding sections in the outline, "Designing a Victim/Witness Program," contained in Section III of this document.

Goals and Objectives (II, III)

What is your goal? (A goal statement would describe the victim/witness service you intend to implement or improve.) What are your objectives? (Objectives would be activities to be undertaken to achieve the goal.)

Proposed Action

What action are you proposing to take to solve the problems?

Sponsor Identification

Who is proposing this action? (Give names, titles, and organizational identity.) Why are these persons proposing this action? What reasons/interest do they have in solving this problem? How are they involved?

Work Program

Organizational Framework (IV)

What person or organization will sponsor this action? What capability do they have to develop and operate this service? Why should this be the lead agency?

Personnel (V)

What is the staff structure required? Will restructuring of present jobs be required? Will volunteers be involved? How many persons and how much of their time will be needed? Who will do what?

*Roman numerals in this outline refer to corresponding sections in the outline, "Designing a Victim/Witness Program," contained in Section III of this document.

Cooperation and Coordination (Interrelationships)

What other organizations, persons, or agencies will be involved? What will they do? What will they furnish to the service? How will interagency activities be coordinated? How will relations with the community be carried out? Who will have administrative and fiscal responsibility? Are the agencies involved committed to assign on a permanent basis the necessary experienced staff? Does the program truly represent a more sophisticated and advanced model of providing services to victim/witnesses than existing programs either in police or prosecutor offices?

Service Management

How will this service be governed? Who will be in charge? Who holds legal responsibility? How will others involved be held accountable?

Clients or Beneficiaries

Who is to be served and how: What relationship will there be between the operators of this service and the beneficiaries? Will the clients have a role in how the service is conducted?

Outcomes

What products or services will result? What materials will be developed?

Resources (VI)

Cost

What will this service cost? What equipment and facilities will be required? What will personnel cost? What training will be needed?

Resources Inventory

What money, people, or services are available for this service? Who will contribute what? What needs to be done to develop resources? Are other resources existing in police and prosecution and in the community being tapped and utilized? Is the program making maximum use of the sum requested/obtained for the purposes stated?

Timetable

How much lead time or start-up time is necessary? When will this service be operational? What is the time sequence of activities?

Impact (VII)

What benefits, cost savings, and improved conditions can be expected from effective implementation of this service? What multiplier or indirect payoff might occur?

Cost-Benefit Analysis

Each project should determine dollar savings resulting from its respective efforts. The savings and benefits to which Victim/Witness projects have attempted to affix a dollar amount are of three types: time savings by both civilian and police witnesses; social services received by victims and witnesses; and restitution/compensation awards. To determine exactly how much time has been saved for each individual witness, the projects compare average waiting time before and after project operations, number of unnecessary trips avoided, and the number of activated alerts (presumably resulting in no wait at all once the witness is summoned to the courthouse). There are numerous problems in attributing a money savings to the results of these activities. In addition to the fact that, except for saved police appearances, any savings that do occur accrue to the individual citizens and not the criminal justice system, selection of an hourly or daily rate is necessarily arbitrary. Median income figures do not take into account non-work force members. Considering that crime victims often are the very old, young and poor, precisely those individuals least likely to be employed, computing their cost savings by reducing waiting may be problematic.

Police time savings are documented in much the same way, although duty logs increase the accuracy of time estimates. It is also a simple process to compute an hourly rate and there is no doubt that savings inure to the system. In spite of this, it remains difficult to express the benefits in monetary terms. Clearly, there are enormous social benefits in police court time savings since each hour saved increases the number of police patrol hours. However, these benefits cannot necessarily be measured in terms of police officer salaries.

Regarding restitution and compensation awards, one must assess to what degree the existence and amount of the award is attributable to the project's intervention. While assistance in documenting losses and filing claims is a typical program service, the decision to grant such an award is made independently, either by a judge or a compensation board. Establishing the percentage of cases which would not have been filed without project assistance is necessarily speculative.

In sum, victim/witness projects appear to be providing useful and humane services for persons who otherwise would have been expected to bear the burden of participation in the criminal justice system by themselves and at their own expense. However, the value and importance of these services varies from user to user and thus, while most agree that such projects are worth their cost, it is impossible precisely to assess the savings, if any, which accrue from them.

Evaluation (VII)

How will this service be monitored and evaluated? Who will do it? What provisions are there for reports and fiscal accounting? How will results of evaluation influence continued operation of the service?

Evaluation questions concerning the extent to which victim/witness assistance services achieve the goals set forth above arise at three distinct levels:⁸

- Level I: Program Design. In what ways, and to what extent, does the program address real needs in ways that can reasonably be expected to help?
- Level II: Service Delivery. How many services of each kind were delivered? What proportion of each need received service? How good (i.e., how consistent with design and needs and how acceptable to the recipients) were the services?
- Level III: Impact and Effectiveness. What happened because the services were delivered? How confidently can one attribute the outcomes to the program? To what extent have the program's effects reduced the needs that motivated it?

Appropriate monitoring and evaluation questions and practices for victim/witness programs' activities take on forms at each level reflecting the nature and locus of the problems they are designed to deal with. The two aspects of victim/witness public awareness programs (prevention and outreach) require a somewhat different evaluation approach from that appropriate to the other services that are provided more directly to victims and witnesses. For example, level II monitoring and evaluation of Services Delivery to victims and witnesses generally requires reasonably straightforward record-keeping procedures. Especially as programs and components may be motivated by a social-service orientation, one needs primarily to keep records of services rendered, recipients, and the context in which the services were provided. The types of data that may be needed for monitoring victim/witness projects thus include:

- numbers of cases and persons eligible for each service;
- basic demographic information on eligible and actual clients (e.g., age, sex, ethnicity);
- character of eligible cases and of cases actually served;
- numbers of crisis calls and other requests for service received and responded to;

- numbers of times the service unit actually delivered each service it was equipped to provide;
- service requests received but not satisfied because of resource limitations and the like;
- numbers of counseling contacts and contact hours;
- numbers of referrals by agency;
- numbers of individuals referred who actually received services;
- numbers of contacts made with witnesses in order to ensure their presence in court and to prevent unnecessary court appearance;
- amounts of restitution, compensation, or financial assistance administered or expedited;
- value of property returned through the program; and
- number and nature of sensitive cases facilitated.

It is important to know what services were delivered to whom in order to assess the project's priorities--does it allocate its resources appropriately to the most deserving clients and cases? Or to those on whom the services can have the most positive effect?

Level III, Impact and Effectiveness Evaluation, becomes important to the extent that services are motivated by a desire to enhance the willingness of service recipients to cooperate as witnesses in the prosecutorial process. Evidence of success in this regard could come from trends over time in various indices of witness cooperation, or from comparisons in those indices between witnesses who received services and others who did not.

Outcome indices that might prove useful for monitoring or assessing consequences of V/WAP service delivery under various sets of program objectives include:

- dispositions of cases involving served and unserved victims and witnesses;
- process in such cases, especially the extent to which service expedites court proceedings;
- attitudes of clients and non-clients toward especially willingness to cooperate in the 1

- self-perceived changes in attitude;
- understanding of the system and willingness to abide by adverse judgments;
- amounts and qualities of service received as a result of referrals.

Future Agenda

What is incomplete in this design, what must still be developed?
What additional information or activities should be undertaken?

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APPENDIX A

SUMMARY OF VICTIM/WITNESS SERVICES

SUMMARY OF VICTIM WITNESS SERVICES

I. Overview of Crisis Intervention, Identification and Management, and Social Service Assistance and Referral

From the perspective of the average victim, the psychological impact of crime is of primary concern. A number of victimization surveys show that victims rank "mental or emotional suffering" first when asked to rate the problems that they felt were very serious. These problems also have an adverse effect on law enforcement. Few officers have the ability to maintain a total detachment from all the suffering they see. Compounding the problem is the fact that victims may forget or repress the events surrounding a crime. Finally, a prosecutor may conclude that the complaining witness is too shaky to go through with the prosecution or lacks credibility with a jury and a distraught witness is a prime candidate to be a prosecution "dropout" somewhere along the way.

Today, victim/witness services primarily encompass the following activities: crisis identification and management; social service assistance and referral; court-related information and notification; witness protection; crime prevention measures and techniques; property return; and compensation or restitution. Each of these activities entails a multitude of supportive services and a variety of operational procedures to deliver them. The critical services and procedures will be summarized in the sections that follow.

A. Crisis Identification and Management

In the context of this paper and workshop, a victim/witness is in crisis when his or her external and internal stimuli produce acute stress as a result of a crime-related situation and normal coping mechanisms are not sufficient to help relieve the stress. A victim/witness experiences a crisis as a consequence of a perceived or actual threat, personal injury or property loss, a perceived threat to deal with the incident in reference to the investigation and prosecution process of the criminal justice system, or all three of these. By assessing personal behavior (posture, attitude, gestures, voice tone, and vocabulary), the social behavior (interacting with others), and the crime incident (type of activity), one can determine whether a victim/witness is in a crisis state.

Within the past decade, most large and many medium size law enforcement agencies have instituted crisis identification and management training sessions mainly for academy recruits. Five basic subjects taught to academy recruits and to some seasoned officers are: the theory of victimology and crisis management; the verbal, nonverbal, and situational indicators of crisis identification; the diffusion and mediation techniques of crisis management; the crisis intervention approach in handling an attempted suicide, death notification, and marital dispute; and the proper referral usage of social service agencies. Even without crisis identification and management training, the officers are usually expected to handle crisis situations during the course of their normal work duties.

To address the needs of a victim/witness in crisis more effectively, some law enforcement agencies employ civilian crisis intervention specialists. These crisis intervention specialists are available around the clock to respond immediately at the site after receiving a victim/witness referral initiated by a patrol officer. (For example, the Scottsdale Police Department and the Ft. Lauderdale Police Department have this ability.) The chief benefit to law enforcement agencies that employ civilian crisis intervention specialists is that the officers will spend less time performing social work activities and, accordingly, more time performing patrol duties.

Law Enforcement agencies are well aware that victim/witness crisis management cases are usually very time-consuming to handle properly because, in addition to providing supportive, short-term counseling, the victim/witness might require emergency funds, temporary housing, transportation, companionship at the hospital, or some or all of these services. Many law enforcement agencies would prefer to funnel victims/witnesses in need of crisis intervention services to outside agencies rather than allocate their own manpower, time, and resources to the rendering of social work services. Through a peer communication system, some law enforcement agencies refer their victims and witnesses in need of crisis intervention aid to victim/witness assistance programs housed in other government organizations (such as the Pima County Attorney's Office and the Dade County Manager's Office) or housed independently of government organizations (such as the Aid to Victims of Crime, Inc. in St. Louis, and the West Philadelphia Block Association). Such victim/witness assistance programs provide around the clock, onsite crisis intervention services. In addition to crisis intervention services, they also provide follow-up, supportive service referrals.

One of the major responsibilities of victim/witness program staffs is to develop and maintain a sound working relationship with law enforcement, prosecutorial, and judicial agencies. Almost every victim/witness assistance program that offers crisis intervention services relies heavily on volunteers to help handle the client caseload. The program staff recruits, trains, and supervises their volunteers. Volunteers are willing to be on-call seven-days-a-week, 24-hours-a-day, to respond to a crisis scene with a staff member or with another volunteer. Feedback to the officer who initiated the referral about the welfare of the victim/witness is extremely important to the success of these programs.

B. Social Service Assistance and Referral

Some law enforcement agencies hire community service workers to render social service assistance and referral to victims and witnesses during normal working hours (such as the Fremont Police Department and the Rochester Police Department). Victims and witnesses, who receive social service assistance and referral from the community service workers, either request the help themselves, are referred initially by patrol officers, or are identified by the service workers through the screening of daily incident reports. The community service workers usually have prepared a social service directory for their own use that includes eligibility requirements, services offered, working hours, and a contact person for every community agency.

Some district attorney agencies hire community service workers to perform the same duties as law enforcement community service workers (for example, the Farmington District Attorney's Office in Utah and the Cook County's State Attorney's Office in Illinois). Besides law enforcement officers and victims and witnesses themselves contacting the community service workers for assistance, prosecutors also refer victims and witnesses to the community service workers for social service assistance referrals. Community service workers located in district attorneys' offices serve more witnesses and fewer victims than the community service workers located in law enforcement agencies.

II. Prosecution and Court Services

As the immediate needs generated by a crime fade away, a new focus of concern becomes central to the delivery of victim/witness services. The primary need of victim and witness becomes information, aid, to the extent possible, input into the many decisions made within the criminal justice system. The National Advisory Commission on Standards and Goals and the National District Attorney's Association (NDAA) have both addressed the services that, from a theoretical point of view, are desirable. The underlying thrust of the NDAA standards in the victim/witness area can be stated in a single sentence: "Each victim and witness of a crime should be notified of any important event in the prosecution of the suspect or defendant for that crime." Among the events considered important by the NDAA are:

- Acceptance or rejection of a case for prosecution
- Return of charging instruments, such as indictments and informations
- The decision to release the defendant from custody after his arrest
- Any pre-trial disposition of the case including:
 - Diversion
 - Dismissal
 - Reduction to a lesser offense
 - Entry of the prosecutors into a plea agreement
- Trial dates and continuances
- The results of trials and all sentences imposed.

This transfer of information is not considered wholly sufficient. The NDAA Standards also recommend that when the discretion to make a decision is within the prosecutor's power, an explanation of why a particular decision was made must accompany the fact that it was made and that the prosecutor's office should be willing to meet with dissatisfied victims and witnesses when necessary.

Other services are also recommended and include the following:

- Expedited property return and evidentiary procedures which do not normally require the actual presence of the property.
- Twenty-four hour "hotlines" for frightened witnesses; active crisis intervention; round-the-clock protection for endangered witnesses; and, most important, active prosecution for witness intimidation.
- Social service referral of witnesses needing services available in the community.
- Orientation to the criminal justice system and court processes, especially for those persons actually subpoenaed to testify in court.
- Comfortable and secure waiting rooms for witnesses summoned to testify, including separate facilities for defense and prosecution witnesses.
- Witnesses should be compensated adequately for testimony given on behalf of the State and, if legislation providing such funds is not in existence, prosecutors should work for its passage. Among the many alternatives in this area is a proposal providing that witnesses be paid at their regular pay rate while they are testifying and that employers, who would be making the payments, be allowed to deduct these payments from state income tax payments. In Arizona, such a proposal, conceived by the Pima County Attorney's office in Tucson, was introduced during the 1977 session of the legislature (S.B. 1011, Employment Protection of Witnesses).
- The courts should be urged by the prosecutor's office to include restitution payments to victims or symbolic restitution whenever possible.

The NDAA approach to witness services would be implemented through or by a witness management unit within the prosecutor's office. Some activities would be carried out with the cooperation of other criminal justice agencies, for instance, property return would have to be coordinated with law enforcement agencies, witness waiting rooms with the courts, and restitution with the probation department. The bulk of the activities would be carried out either by the prosecutor, through policy setting and political action, or by the prosecutor's employees.

The major theoretical consideration not covered by the NDAA Standards is victim/witness input into decisions, even with approval being required. Some experiments with victim participation in prosecutorial decisions have been or are being conducted. Most notable are the inclusion of the victim in the plea bargaining process being attempted in Dade County, Florida, and the victim veto over the diversion of non-violent, non-drug offenders in Pima County, Arizona. Where the rules of criminal procedure permit, as in California and Arizona, victim input to the sentencing judge could also be solicited by the court or the investigating probation officer and become part of the total information given to the judge.

The prosecutor is both a law enforcer and a judicial officer.

Statute and custom make the prosecutor an actor of great power and influence within our criminal justice system. It is through the prosecutor's office that humanitarian concerns and systematic problems can often be addressed most directly. The burden of providing the services and meeting the goals that theory says would make the system function more effectively and that equity and common humanity demand cannot be met if the prosecutor is not interested. The increase in workload and the changes in procedures required may seem tremendous to those familiar with present prosecution offices--most everyone else wonders how any operation can function without these services as minimum objectives.

A. Court Related Victim/Witness Services

The divisions between the administration of the courts, the physical environment, specific procedures used to calendar and process cases, and the trier of fact and law personified by the judge are becoming clearer as judges become less involved with the day-to-day aspects of case management. With regard to victim/witness services, nearly every non-judicial commentator on the courts has stated that administrative services for victims and witnesses are very much needed and could be provided without disturbing the philosophical basis of the detached, objective, impartial image needed by the court or judge as a trier of fact and law. The difficulty has been primarily financial with one exception. That exception, articulated by the defense bar and to some extent the criminal bench, is that providing services to victims and other prosecution witnesses--doing anything that comforts them or makes them more likely to testify or cooperate--is inappropriate because it makes conviction of defendants more likely: that is, it is tactically to the advantage of the prosecution and disturbs the judges' impartiality. The fact that this argument has been seriously presented is an indictment of the way in which our present system treats the witnesses and victims of crimes.

The services usually considered court-related and administrative in nature are:

- Free parking should be available for witnesses
- Subpoenas should be useable for public transportation or parking
- Pamphlets with the answers to common witness questions and maps of the courthouse area should be available free of charge. And such pamphlets should be included whenever subpoenas are mailed or served
- An orientation session, including a brief description of courtroom procedures and a visit to an actual courtroom, should be presented on a regular basis
- Assistance should be provided to witnesses when their employers may penalize them because they must testify.

The following facilities could be provided by the court:

- An information desk and escort services within the courthouse
- A witness reception center with separate facilities for defense and prosecution witnesses
- Private conference rooms where attorneys can talk to victims, defendants, and other witnesses.

In addition to these administrative services, the courts can also assist the victims of crimes by actively seeking, or at least permitting, victim input before sentences are passed. More attention could be given to seeking restitution for victim losses whenever defendants are not incarcerated and, in general, to giving victims some legal standing when court decisions and rulings are made.

Underlying our present judicial system is a belief in the innocence of the defendant until proven guilty. Clearly, this is a concern that must remain as an essential consideration in a free society. The nature and extent to which a victim has suffered injury must also be a central concern of society, however. One wonders what the nature of a system designed to ensure justice for victims would be and how it would differ from our present system.

B. Court-Related Information and Notification

Ideally, from the time a prosecutor decides whether or not to proceed with the prosecution of a case (that is, issue a complaint) to the final court disposition of a case, a victim/witness should be notified about every significant event, including the release of defendants, negotiations for plea bargaining, reducing or dropping charges; and so forth. Not only should the victim/witness receive information that a decision has been made but he or she should also receive an explanation of what factors were considered in making the decision. Furthermore, victim and witnesses should be informed about how the judicial system operates. This court-related information can be disseminated to victims and witnesses by telephone, letter, or in person.

In order to inform victims and witnesses about how the judicial process operates in general, several district attorneys' offices publish educational pamphlets for distribution. (The Commonwealth's Attorney's Office in Covington, Kentucky, and the Los Angeles District Attorney's Office do this.) Victim/witness advocate programs in district attorneys' offices have easy access to court-related and case management information. In large jurisdictions, automated data bases are used to provide victims and witnesses with a constant flow of updated court-related information as in the Washington, D.C. Attorney's Office PROMIS system. In smaller jurisdictions, manual flow-files have been the only source to provide victims and witnesses with certain key court-related information as in the Pima County Attorney's Office in Tucson, Arizona.

A telephone alert system allows a district attorney's office to notify victims and witnesses about trial time or continuances. Some large systems, such as the Victim/Witness Assistance Project of the Vera Institute of Justice in Brooklyn, New York¹ and the Milwaukee County District Attorney's Office in Wisconsin,² use an automated data base to notify the victim/witness one hour before a required appearance. For the day before an appearance, a manual paper file system is used. The telephone alert system is the single most productive function that a prosecutor can provide in the witness service area. Victims and witnesses will be much more cooperative with prosecution efforts if they do not have to make unnecessary trips to court and if they do not have to waste time waiting to testify in court.

Most district attorney victim/witness assistance programs provide victims and witnesses with at least the following information: a criminal complaint has been issued, a trial date has been set, and the defendant has been sentenced. Besides the court-related information and notification, district attorney victim/witness assistance programs frequently provide the victim/witness with an escort to court, a meeting with the prosecutor about a particular problem, persuasive counseling and child care services. A victim/witness assistance program helps the district attorney's office to orient the witnesses to what is expected of them, to identify and work with reluctant witnesses, to list misidentified or lost witnesses, to discover cases of witness intimidation, and to address the social service needs of witnesses.

Most victim/witness assistance programs located outside of district attorney's offices still help victims and witnesses obtain court-related information, as needed. For example, the Glendale, Arizona City Manager's Office and the Little Rock Presbyterian Urban Council in Arkansas operate this way. However, current court-related information is not readily accessible to victim/witness assistance programs outside prosecutors' offices. Therefore, the district attorney's office appears to be the most practical locus for victim/witness programs supplying court-related information and notification.

With regard to witness protection, although some witnesses are fearful of reprisals by the defendant or by the family and friends of the defendant, in most cases they will not be harmed. Therefore, a district attorney victim/witness assistance program should work closely with the law enforcement agencies to determine whether there is a need to provide witness protection. If a witness does not need protection but is still fearful of intimidation, the victim/witness assistance program should provide assurance and counseling and the law enforcement agency should patrol in the neighborhood of the witness.

1

A manual, "An Introduction to the Victim/Witness Computerized Information System for Kings County Criminal Court," is available from Mark B. Feinstein, Executive Director, V/WAP, 50 Court St., Brooklyn, N.Y. 11201.

2 A pamphlet, "The JUSTIS Guide," is available from Project Turnaround, 821 W. State St., Milwaukee, Wis. 53233.

The witness who most commonly needs protection either is a member of a criminal conspiracy who decided to cooperate with the prosecution and will be testifying against criminal organizations or is closely related to the perpetrator of the crime. If a witness is being intimidated, the law enforcement agency should work closely with the district attorney's office to monitor the origins of threatening calls, install silent alarms as the Sacramento Police Department does, relocate witnesses, provide new identities to the witness and the family, and provide uniformed protection around-the-clock. Victim/witness assistance programs can assist law enforcement efforts in protecting witnesses by providing emotional support and access to social services to the witness, as the Pima County Attorney's Office does.

Few jurisdictions have the economic resources to provide adequate protection to more than a few witnesses. Even the U.S. Justice Department's witness protection program has serious problems, such as infiltration by organized crime through bribery and corruption. Local jurisdictions will probably have to rely on existing community resources to protect witnesses from possible injury.

III. Property Identification and Return

Returning property to crime victims as soon as it comes into law enforcement custody is a highly appreciated practice. Most law enforcement agencies have serious storage problems because of the abundance of stolen property held as evidence. Moreover, property room clerks often do not have the facilities to keep accurate and current records on the whereabouts of all of the property being stored. It is not uncommon to hear that especially valuable property disappears while in storage.

Research reveals that using a photograph of stolen property instead of the actual property places no real hardship on the prosecutor's case. A photographic procedure can be executed by the patrol officer or investigator at the scene. This saves the law enforcement agency a lot of unnecessary bookkeeping, as the Sacramento Police Department has discovered. Also, business people can have their stolen merchandise photographed and returned to the shelf expeditiously. The Alameda County (California) District Attorney's Office does this. Obviously, such a procedure is most advantageous to the victim, but prosecutors and police agencies benefit to some extent.

If a crime victim cannot unequivocally identify recovered stolen property as belonging to him, then the law enforcement agency has no choice but to keep the property in storage. Citizens can be urged to help law enforcement agencies by keeping a list of the identifying numbers of valuable possessions.

IV. Crime Prevention Measures and Techniques

Only within the past decade have crime prevention concepts been translated into viable community action programs. Nationwide, law enforcement agencies have assumed the responsibility of formulating crime prevention plans and of developing crime prevention measures and techniques. Law enforcement agencies realize that community support of and participation in crime prevention activities is essential to attain positive results.

The major crime prevention programs currently in operation are: "target-hardening" programs, property identification programs, and neighborhood watch programs. Some crime prevention units in law enforcement agencies will assess the security of a resident's home and make suggestions on how the home can be better secured. Since substantial numbers of people cannot afford to purchase or install the recommended hardware, some law enforcement agencies, such as the Phoenix, Arizona, Police Department, also have funds available to purchase the merchandise; some community service agencies will even recruit volunteers to install it for indigent residents as is done by the Pima County Attorney's Office. The objective of these "target-hardening" devices is to deter, delay, or detail a would be criminal.

Many private businesses, independent insurance agencies, for instance, will loan residents marking pens to engrave their property with a personal identification number, such as a driver's license or social security number. This procedure can deter would be criminals from stealing some items since the property is harder to fence and can be identified more easily as stolen by law enforcement officials. Also, the property can be returned more easily to owners.

Neighborhood watch programs require the cooperation of neighbors to begin watching out for each other. The objective of neighborhood watch programs is to increase natural surveillance and decrease criminal opportunities. Another innovative crime prevention program, known as environmental design, essentially operates according to the same principle as the neighborhood watch programs: to increase natural surveillance and decrease criminal opportunity. Crime prevention through environmental design is a term used to describe a residential area whose physical characteristics--building layout and street design--function to allow inhabitants themselves to become key agents in insuring their own security. Environmental design programs are still in their experimental stage of operation but preliminary findings are encouraging.

Public education programs are also an important component of crime prevention efforts. A growing number of law enforcement agencies are instituting crime prevention programs for target populations, such as the elderly. The Montgomery, Alabama, Police Department and the New York City Police Department have done this. In addition private groups, such as Kiwanis Clubs, are beginning to assist law enforcement agencies in educating the public about crime prevention measures and techniques.

V. Services Relating to Restitution and Compensation

Other services to victims that are growing in importance are restitution and compensation. Broadly defined restitution is the payment of crime losses to the victim by the defendant(s) who committed the offense. Compensation is the payment by the state of expenses caused by an injury.

Many experiments with restitutioin are currently underway and the concept is gaining popularity. In addition to direct payments to the victim, much of the current restitution activity has been centered around obtaining job training for defendants and providing minimum security living facilities for them while they pay off their victims with an agreed upon sum. Conceptually, restitution is a very satisfactory mechanism. In practice, however, the fact that fewer than 30 percent of all offenses are ever solved and that the bulk of defendants are disadvantaged individuals who lack job skills limits restitution to a psychologically important but actually inadequate procedure. That is, every defendant, even those incarcerated, who is capable of making restitution should be required to do so. But we should not expect that any great improvement in the stated losses or reduction in the suffering of the victim will result. Those situations where no specific person is the victim also present problems. In this case, the growth of symbolic restitution activities, such as directed volunteer work, is to be welcomed.

Victim compensation also has grown in acceptance and popularity during the last 15 years even though it is not conceptually or operationally as clear an idea as that of defendant restitution. A number of countries, including Australia, New Zealand, the United Kingdom, and Sweden; 22 states within the United States, and all the Canadian provinces now have legislatively mandated, and funded, victim compensation programs. In one sense these two issues are peripheral to victim/witness services because of the lapse in time from the actual criminal incidents and also because larger social policy issues are involved. But, to the extent that compensation laws and funds exist, victims should be encouraged and helped to file and obtain the benefits available. Like restitution, victim compensation should not be viewed as a complete solution to victim/witness problems. These are alternatives to victim compensation programs as well. One proposal, recently presented to the Arizona legislature, called for the establishment of surcharges on criminal fines. The additional funds would be used by prosecutors primarily for service delivery but some victim crime expenses could also be paid immediately.

VI. Evaluation Findings

General research findings in the victim/witness area are not yet complete or conclusive. The Criminal Justice Research Center in Albany, N.Y., has done work with the National Crime Panel Victimization Surveys. They have further developed the notion, apparently supported in the data, that the single greatest reason why people do not report crimes to law enforcement agencies is that victims do not believe that the incidents are serious enough. Some minor variations in crime reporting rates depend on jurisdiction size and demographic factors, such as age, race, and sex;

but overwhelmingly the seriousness of the offense is the reason why a crime will or will not be reported. The relationship of the victim and defendant is another important factor.

Several monographs, prepared by the Albany Center, address the subjects of restitution and victim compensation. Generally, they conclude that requirements that victims must not be related to defendants or that some minimum threshold of loss must have been suffered are more political than realistic and need not be part of the compensation programs. As noted earlier, restitution was found to be hindered by the low percentage of crimes solved, defendants convicted, defendants capable of making re-payments, and a lack of appropriate supervision of the plan.

The Vera Institute of Justice in New York City has been attempting to develop and evaluate a computerized witness alert system. Their successes and failures seem almost more related to the difficulties of operating in a large metropolitan court system rather than to any conceptual deficiencies or breakthroughs on their part. Their results point up the existence of great economies in terms of both cost and time savings to police officers and witnesses. The cooperation of lay witnesses, however, is a problem that Vera, among others, has not yet solved.

The Institute for Law and Social Research (INSLAW) recently published the results of a survey conducted among lay witnesses in Washington, D.C.: Improving Witness Cooperation. The basic finding was that many of the cases where witnesses were classified as uncooperative by the prosecutor's office and cases were dismissed were probably more the result of faulty communications between the witnesses, police, and prosecutors than of any other factor. Assembly line practices used by police and prosecutors are evidently not conducive to active witness cooperation. Findings in Detroit, Chicago, New York, and Cincinnati have been strikingly similar. Surveys in somewhat smaller jurisdictions--Tucson, for instance--indicate that many of the same problems exist, though not at the same scale as in the larger cities.

Stanford Research Institute and Evaluation/Policy Research Associates, with Price Waterhouse & Co. have conducted independent surveys of two victim/witness programs. Project Turnaround in Milwaukee was evaluated by Evaluation/Policy Research Associates and Price Waterhouse. The Victim/Witness Advocate program in Tucson was evaluated by Stanford Research Institute. While differences in number, scope, and scale of the two projects do not allow for direct comparisons, the similarity of the findings do allow for some generalizations.

The accomplishments of these programs are primarily in two areas: system efficiencies and benefits to victims. The greatest benefits of the Milwaukee Project were related to the reduction in the number of witnesses attending various hearings and reduced waiting times because of revised witness attendance criteria. This allowed more staff to handle citizen complaints and sensitive crime cases. Also, it saved time for internal staff and produced some other operating efficiencies expected from a Justice-computerized witness control system. The greatest savings of The Tucson

project related to the amount of police time saved by providing onsite crisis intervention for victims and releasing police officers from that responsibility. Each project tries to operate on a systemwide basis with a comprehensive service delivery system. Each found that victim/witness satisfaction was partially contingent upon factors unrelated to the services delivered, although these are indications that services could make the recipients more cooperative during the current case and in the future. There is still little evidence from these projects that victim/witness services will increase crime reporting, although such a development may simply take longer to become measurable.

The Center for Criminal Justice and Social Policy at Marquette University has also published a number of monographs on victim/witness services and an increasing number of journal and magazine articles, written by victim/witness project staff, are being published, especially on the subjects of sexual assault, child abuse, and wife battering (see, for example, the Summer 1977 and Fall-Winter 1977-78, issues of Victimology: An International Journal.³ Another popular topic is the inadequacy or unavailability of social services, such as emergency housing.

Current research data is sketchy, but very little is contradictory and although some of the original assumptions about what victim/witness services are and could accomplish may prove to be faulty, they have actually been shown to be beneficial to both the system and the victims and witnesses in a number of areas.

3

Victimology: An International Journal is available from Visage Press Inc., 2333 N. Vernon Street, Arlington VA 22207.

OUTLINE I: VICTIM/WITNESS SERVICES

Part A: Crime Incident Reported to Law Enforcement Agency
(The crime and its immediate aftermath. Time span: up to 72 hours.)

1. a. Crisis Identification, Intervention, and Management
 - As needed 24-hours-a-day
 - b. Social Service Referral
 - Immediate service needs (short-term)
2. Criminal Justice System Related Services
 - Basic information
 - Initial case information
 - Property return
3. Crime Prevention
 - Repair of damaged property
4. Compensation and Restitution
 - Documentation of losses

Part B: Law Enforcement Investigation and Prosecutorial Charging Decision (Will there be a criminal case? Time span: 2 to 6 weeks.)

1. a. Crisis Identification, Intervention, and Management
 - Continue providing service
- b. Social Service Referral
 - Arrange longer term services
 - Follow-up short-term service referral
2. Criminal Justice System Related Services
 - a. Additional Case Information
 - Arrest/no arrest
 - Incarceration/release
 - Case filed or not
 - Case issued or not
 - b. Witness Protection
 - Special ROR or bail conditions
 - Housing
 - Police probation
 - c. Property returned, if recovered
3. Crime Prevention
 - Finish repairs, if needed
 - Basic education
 - Security inspection of premises
4. Compensation and Restitution
 - a. Continue documentation of losses
 - b. Where emergency compensation is available, assist with application

Part C: The Active Criminal Case (Waiting for something to happen. Time span: 2 to 10 months.)

1. a. Crisis Identification, Intervention, and Management
 - Provided by witness management unit as needed
2. Criminal Justice System Related Services
 - a. Additional Case Information
 - Dismissal
 - Plea Agreement
 - Presentence Investigation
 - b. Witness Protection
 - Begin or continue as necessary
 - c. Witness Notification and Witness Alert System
 - Subponea Information
 - Alert Notification
 - Courtroom Familiarization
 - d. Property Returned if Possible
3. Crime Prevention
 - As time from crime increases, becomes less meaningful
4. Compensation and Restitution
 - a. Submit Documentation
 - To compensation board
 - To presentence investigation for restitution

Part D: Sentencing and After (What did happen, anyhow? Time span: indefinite.)

1. Crisis Identification, Intervention, and Management
 - a. Not usually necessary at this point
 - b. Witness management unit should provide, if needed
2. Criminal Justice System Related Services
 - a. Additional Case Information
 - Verdict
 - Sentence
 - Parole eligibility; probation officer's name, if necessary
 - Solicit letter to judge on victim viewpoint
 - b. Witness Protection
 - Phase out or create long-term solution, such as name change on identifications
 - c. Witness Management
 - If trial occurs, provide emotional support and/or physical backup as necessary
 - d. Property return when appeal deadline past
3. Crime Prevention
 - Difficult to motivate victims to continue communitywide efforts
4. Compensation and Restitution
 - a. Argue for restitution to court
 - b. Assist in obtaining compensation

OUTLINE III: VICTIM/WITNESS SERVICES NEEDED AT DIFFERENT STAGES

A. Crisis Identification, Intervention, and Management

1. Service Models Used:

a. 24-hour availability:

- Primary personnel at work
- Secondary personnel on-call

b. Next day crisis response:

- Client identification through police reports reviewed the next day
- Message recorder for non-office hours

2. Administrative Considerations:

a. 24-hour primary system

Examples

(1) If regular staff perform function:

- Mass training for staff
- Larger number of total staff to maintain any given patrol effort

San Diego, California Police Department,
New York Police Department

Multnomah County Sheriff's Office
(Portland, Ore.)

(2) If specialized staff perform function:

- Special training
- Close attention to staffing pattern to maintain availability

Fort Lauderdale, Fla.'s Police Department

Scottsdale, Ariz. Police Department

b. 24-hour secondary system

(Functions presumed to be provided by specialized staff)

(1) Some disruption of stable staffing pattern for after hours responses

Dade County Manager's Office
(Miami, Fla.)

(2) Special training

Pima County Attorney's Office
(Tucson, Ariz.)

c. Next Day Crisis Response

Examples

(Function presumed to be provided by specialized staff)

1. Special Training

Aid to Victims of Crime, Inc.
(St. Louis, Mo.)

- (2) Excellent access to police reports is crucial

West Philadelphia Bank Association
Furnace Street
Mission (Akron, Ohio)

3. Caveats

a. 24-hour Availability

Many situations with which police and hospital personnel become involved are crisis situations but do not involve victims/witnesses, (e.g.) attempted suicides, found persons, stranded transients). Programs providing services on a 24-hour basis will be asked to intervene in these situations and the programs must establish policies to respond to those situations.

b. Next Day Crisis Response

Delays in completing paperwork are common; inevitably you do miss some situations where a response would have been appropriate. The degree to which response time is a concern in a particular situation mitigates against next day crisis work.

B. Social Service Referral

1. Immediate Service Needs

- a. Housing--shelter facilities
- b. Medical attention--emergency and/or first aid

2. Longer Term Service Needs

- a. Housing--new residence, moving escort
- b. Medical--hospitalization or nursing care
- c. Financial--food, rent, repairs, employment
- d. Physical--repair damage to home
- e. Emotional (psychological trauma)

3. Administrative Considerations:

- a. Knowledge of all social service resources in a community is seldom available and must be updated.
- b. Follow-up of referrals with both the victim/witness and the agencies is critical because credibility with both is dependent upon the accuracy of the victim/witness needs assessment and knowledge of community resources.
- c. Lack of service availability at certain times or for certain services is a source of difficulty--mental health and family counseling at 3:00 a.m. or the general absence of emergency housing, for instance.

C. Criminal Justice System Related Services

1. The first 72 hours: Services Needed

Examples

a. Basic information for the victim/witness

- (1) How does the Criminal Justice System Work
- (2) What will happen now

"When a Crime is Reported,"
put out by the Pima County
Attorney's Office
(Tucson, Ariz.)

b. Initial case information

- (1) Has the suspect been arrested
- (2) Has he or she been released
- (3) What is the police report number
- (4) Who is the detective assigned to the case

c. Return of victims' property if recovered

Does departmental policy provide for photographic identification of property and return on a routine basis?

Sacramento, Calif., Police Department; Alameda District Attorney's Office (Alameda, Calif.)

2. Law Enforcement Investigation and Prosecutorial Charging Decision:
Services Needed

a. Basic information for the victim/witness

Provide or repeat as necessary

b. Updated Case Information

- (1) Suspect identified, or not
- (2) Case cleared, or not
- (3) Case taken to prosecutor, or not
- (4) Case issued, or not
- (5) Suspect arrested, or not
- (6) Suspect released on bond or own recognizance

Note: Be prepared to explain why or why not at each stage, if necessary.

c. Property return if recovered

Does procedure exist allowing detective and/or prosecutor to release property?

d. Witness Protection

- (1) Counseling--many witnesses afraid, most needlessly
- (2) 24-hour hot line
- (3) Safe housing
- (4) I.D. change capability
- (5) Police protection
- (6) Special bail or R.O.R. conditions as necessary

3. Administrative Considerations

Examples

- a. Transfer of case and responsibility for victim/witness from law enforcement to prosecutor is critical.
- b. Special witness management unit recommended by NDAA is an efficient way for prosecutor to provide victim/witness services.
Milwaukee County District Attorney's Office (Wisconsin)
- c. Cases involving members of the same household or relatives present special problems. One solution is for special bond or R.O.R. to be imposed.
Pima County Attorney Household Defendant Program (Tucson, Ariz.)
- d. Witness protection keys are victim/witness access to prosecutor's office, 24-hour hot line, or early contact by trial attorney.
- e. Prosecutor willingness to charge defendants with harrassment of witnesses will set the tone for law enforcement and the community.

D. During the Active Case: Services Needed

1. Basic Information for the Victim/Witness

(provide and/or repeat as necessary.)

2. Updated Case Information

Examples

a. Case dismissed, or not

Milwaukee County D.A.
(Wisconsin)

b. Case to be pled, or not

c. Presentence investigators

name and address

Pima County Attorney's
Office (Tucson; Ariz.)

d. Is case is to be tried

e. Notification of current trial date
(reveal that trial will probably be
continued)

f. Notification when and if to expect
subpoena

g. Witness familiarization with system
(i.e., tour of courthouse, courtroom,
witness lounge)

3. Witness Protection

Examples

a. Continue as needed

Milwaukee County D.A.

b. Move for re-arrest if R.O.R. or
bail conditions violated

(Wisconsin)
Commonwealth Attorney

c. Charge defendants with witness
harassment or interference when
necessary

(Covington, Ky.)

4. Property Return

If property not returned at this
point, obtain consent or stipulation
of all attorneys and return.

E. The Sentencing and After; Services Needed

1. Updated Case Information

a. Verdicts and pleas

- b. Judges name and sentencing date
 - c. Sentence passed by court
 - d. Whether case appealed
2. Witness Protection
- a. Terminate short-term services and/or make longer term arrangements
 - b. Provide probation officer's name or parole eligibility date
3. Property Return
- Facilitate return of property used as trial evidence when release is permissible

4. Administrative Considerations

Nearly all information needed during the sentencing period and also while the case is active can be obtained from either the prosecutor or the court. New criminal history record privacy and security regulations may place time limits on the dissemination of non-conviction data; release of prior criminal history information may also be limited. Victim/witness programs should carefully consider what information can be released and when it can be released. Programs should provide all information on a need-to-know basis rather than routinely.

The creation of a witness alert system will usually lead to centralization of witness related matters within the prosecutor's office, that is, centralization of subpoena issuing. Not all responsibility for witness matters should be removed from the assigned trial attorney and there should be close coordination.

APPENDIX B

AN OVERVIEW OF COURT-RELATED
VICTIM/WITNESS SERVICES, OBJECTIVES, BENEFITS
AND DRAWBACKS

AN OVERVIEW OF COURT-RELATED VICTIM/WITNESS SERVICES, OBJECTIVES, BENEFITS AND DRAWBACKS

SERVICES PERFORMED	AGENCY*	STAFF*	SERVICE'S PURPOSE	EXPECTED RESULTS	DRAWBACKS
A. <u>Witness Information</u>	P.O./S; D.A.	A;P.L.	To better inform witnesses.	Witnesses less apathetic and frustrated; more informed testimony; fewer case dismissals.	-----
B. <u>Witness Notification</u>	P.O./S; D.A.	P.L.;C.	To instruct witnesses on the where, when, why, who, and how to testify.	More witness appearances.	Inadequate feedback; witness non-appearance not foreseen; not personalized; legal notice may be misunderstood; witness identification data may be inaccurate.
2. <u>Case Status Calls</u> (Call witnesses to assess ability to appear)	P.O.; D.A.	P.O./S; A.D.A. P.L.;C	To resolve witness problems in advance of court date.	Reduces case dismissals; witness no shows; provides advance notice of no shows and chance for corrective action; witness staff experts evolve.	Full time para-legal staff required; requires staff cooperation; prosecutor revises time priorities.

* Agency & Staff Codes:

Agency Codes	Staff Codes
P.O./S. Police/Sheriff	A. Administration P.L.
D.A. District Attorney	C. Clerical
C.o.C. Clerk of Courts	P.O./S.
S. Sheriff	A.D.A.
S.O. State Office	D.S.
C.A. Community Agency	C.A.W.

Agency Codes	Staff Codes
P.O./S. Social Service Worker	A.U.
L.I. Legal Intern	S.S.
V. Volunteer	
P.A. Private Attorney	
P.O. Probation Officer	

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SERVICES PERFORMED	AGENCY*	STAFF*	SERVICE'S PURPOSE	EXPECTED RESULTS	DRAWBACKS
3. <u>On-Call (Notify witnesses when to appear in court.</u>	P.O./S; D.A.	A.D.A.; P.L.;C.	More convenient for witnesses to appear in court.	Reduces witnesses' unnecessary trips and waiting time; improves court case scheduling; reduces frustration; system image is improved.	Not fool proof, more staff time required.
4. <u>Hearing Notice System</u>	P.O./S; D.A.	P.L.;C.	Witness informed in advance	More witnesses appear in court.	Extensive staff time.
5. <u>Case Disposition Letters</u>	P.O./S; D.A.	C..	To better inform witnesses.	Improves images of prosecutor's office; enhances witness cooperation.	Needs professional direction, current case file.
6. <u>Police Notification System</u> (by phone, subpoena, teletype, computer)	P.O./S; D.A.	C..	To inform police witnesses when to appear or not.	Improves police deployment; reduces overtime; convenient; fewer unnecessary trips and less waiting time.	More clerical time required.
C. <u>Witness-Victim support</u>					
1. <u>Advocate</u>	P.O./S; D.A.; C.A.W.	S.S.; A.D.A.; P.L.; V.; C.A.W.	To reduce system injustices and preserve victims' rights.	Better services to victims; changes system; victim cooperates; victims' rights preserved.	Low staff priority; high staff cost; agency/person dislike.
2. <u>Court Support</u>	D.A.; P.O./S	S.S.; P.L.; V.; C.A.W.	To retain victim/witness for prosecution.	Better testimony of witnesses; reduces witness fallout.	Cost and staff availability; results difficult to measure.
3. <u>Crisis Intervention</u>	P.O./S; D.A. C.A.	S.S.; V.; C.A.M.	To assist witness in handling immediate crisis.	Witness will testify; more case convictions; faster recovery from trauma.	Difficult to measure results; trauma remains after counseling.

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SERVICES PERFORMED	AGENCY*	STAFF*	SERVICE'S PURPOSE	EXPECTED RESULTS	DRAWBACKS
4. <u>Property Return</u>	P.O./S.; D.A. C.o.C.	P.O./S.; P.L./C.; V.	To return property to the victim.	Good public relations.	---
5. <u>Special Travel-Hotel Arrangements</u>	P.O./S. D.A.	C.	To improve scheduling out-of-town witnesses.	Witness appears; expenses kept to minimum.	Higher staff cost.
6. <u>Victim Loss Information</u>	P.O./S. D.A.	P.O. P.L. or C.V.	To assist the victim, court prosecutor and probation in getting more complete restitution orders.	More restitution ordered; better administrative control; victim likes help.	Requires staff time; needs prosecutor awareness and cooperation.
D. Facility Improvements					
1. <u>Witness Waiting Room</u>	D.A. C.o.C.	P.L./C.; V.	To provide more convenient location and improve safety of witnesses while awaiting court appearance.	Better witness attitude.	Needs good location; witness volume is needed to justify expense.
2. <u>Child Care</u>	P.O./S. C.o.C.	S.S./C.; V.	To provide child care services to witnesses.	Witnesses able to appear; improved witness testimony	High staff, facility or services cost.
3. <u>Defendant Lock Up</u>	P.O./S.	P.O./S.	To keep defendant under custody, away from victim/witnesses.	Less fearful victims/ witnesses	Proper location difficult to find; high police coverage cost.
E. Financial Assistance					
1. <u>Witness Fee Advice</u>	P.O./S.; D.A. C.o.C.	A.D.A.; P.O./S.; P.L./V. C.; C.A.W	To improve witnesses' chances to obtain fees.	Better witness rapport.	Costs county money.

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2. Wage Reimbursement Assistance	P.O./S.; D.A. C.A.	P.L.; V. C.A.W.	To persuade employers to pay victims' wage loss during court appearance; improves witness appearance rate.	More court appearances; less witness income loss.	---
3. Victim Compensation	S.O.; D.A.; P.O./S. C.A.	A.D.A.; P.O./S.; P.L.; V.; C.A.W	To obtain emergency expense, loss of income reimbursement for victim, witness or good Samaritan injuries and/or property damage.	More just treatment of victim/witnesses. Improve victim/witness rights and status.	Federal or state program funding required.
F. Victim Support					
1. Counselors (Advise witnesses how to proceed)	P.O./S.; D.A. C.A.	A.D.A.; P.O./S.; C.V.; C.A.W. L.I.	To improve witness knowledge on how to proceed, testify in court.	Better witness testimony; improved cooperation.	Difficult to measure results.
G. Criminal Justice System Improvements					
1. Protection (Investigate, surveillance, relocate intimidated witnesses)	P.O./S.	P.O./S.	To provide security and protection of witnesses for trial as key State's witnesses.	More witnesses testify; crime reported more readily; more convictions expected.	Staff costs are high; witnesses sometimes difficult to control in strange or remote places.
2. Prosecution Improvements					
a) Citizen Complaint Office	D.A.	A.D.A.; P.L. S.S. P.O./S.	To expedite, handle specialized citizen crime related complaints.	Faster citizen case processing; fewer cases being misjudged; more staff expertise; eliminate non-trial work from other screening prosecutors.	Needs good investigative staff.

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b) <u>Sensitive Crimes Vertical Prosecution</u> (One prosecutor handling case from referral to post-conviction stage)	D.A. A.D.A.; P.L., L.I., S.S.	To improve potential for offender conviction in rape, child abuse/neglect cases; improve prosecutor assistance to victims.	More guilty pleas; less case prosecution time; better evidence collection; victim stays on; and fewer continuances.	Fewer cases processed than general prosecutor work standard.	
c) <u>Other Prosecutor Vertical Assignment Units</u>	D.A.	To improve potential for convictions and provide better prosecution assistance to crime victims.	See Sensitive Crimes and Citizen-Victim Complaint results above.	See above.	
3. <u>Court Criminal Justice Information Systems</u>					
a) <u>Subpoenas</u>	D.A.; C.o.C.	C.; P.L.	To automate subpoena preparation for witness, victims and police officers.	Timeliness; reduction of clerical personnel	
b) <u>Subpoena Recall</u>	D.A.; C.o.C.	C.; P.L.	To allow notification to victim/witness of changes in scheduled events times/dates.	Reduced victim/witness trips to courthouse.	
c) <u>Defendant Arrest</u>	S.i.D.A.	D.S.; C. A.D.A. P.L.	Single entry point for commonly used data required by Sheriff and clerk of courts.	Elimination of duplicate records and data entry; timeliness of inquiry response.	
d) <u>Case Arraignment, Continuance, Disposition & Sentencing Data Entry</u>	C.o.C.	C.	To provide single entry point for commonly used data required by D.A. and Sheriff.	Timeliness of inquiry response; automated calendaring system is possible.	Requires entry of data within 24 hours of court event.

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e) <u>Calendars</u>	D.A.; C.o.C.; S.	C.	Computer preparation of court calendars.	Timeliness; reduced clerical time.	Same as above.
f) <u>Witness Data Entry</u>	D.A.; S.	P.L. D.S. C.	To track, prepare subpoenas, serve and notify victim/witnesses of expected court events.	Elimination of not found subpoenas; prevents unnecessary trips; provides ready reference to victim/witness telephone numbers.	Victim/witness data entry must be within 24 hours of case issuance.
g) <u>Statistics and Management Reports</u>	D.A.; C.o.C.; S.	A.	To determine office work flow and provide basis for policy changes; examine charges not issued and reasons; track personnel performance of prosecutor offices; track cases and/or defendants.	Intelligent decisionmaking based upon sound analysis from accurate data; reduction in clerical time to prepare reports.	----
h) <u>Case Cross-Reference and Master Listings</u>	D.A.; C.o.C.	A.D.A.; C.	To show relationship of defendant to all cases presently active for him in the system regardless of case type. Allows easier case consolidation/or "read in."	Reduces court time; more effective prosecution.	----
i) <u>Various Computer Indexes</u>	D.A.; C.o.C.; S.	A.U.; C.	To display defendant, case, witness inquiry by case number, defendant number, court, name, defense attorney, A.D.A. or court date.	Elimination of 3 x 5 card files in each office.	Equipment costs are high.
j) <u>On-Line Data Entry</u>	D.A.; C.o.C.; S.		To expedite entry of data into computer data base.	Immediate edit of data; timeliness reduces errors; eliminates forms, punched cards, and keypunch time.	Equipment costs are high.
k) <u>On-Line Docket Record</u>	D.A.; C.o.C.; S.	A.D.A. C.	To have computer record and display the case minute record.	Elimination of "running around looking for record."	Case data must be entered to system by C.o.C. within 24 hours of court event.